

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RICHARD COLE,

:

Case No. 3:08-cv-432

Plaintiff,

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

-vs-

MICHAEL J. ASTRUE, Commissioner
of Social security,

Defendant.

:

ORDER VACATING STAY

On November 23, 2011, this Court issued an Order following the Sixth Circuit Court of Appeals Opinion to remand this case to the Commissioner for further proceedings. On December 30, 2011, Plaintiff filed motions for EAJA fees in both this Court and the Sixth Circuit Court of Appeals. On January 22, 2012, this Court granted Defendant's motion to stay pending the jurisdictional decision for Plaintiff's EAJA motion by the Court of Appeals.

Since Plaintiff has been granted permission by the Sixth Circuit Court of Appeals to withdraw his previously filed EAJA motion in that court, the stay is hereby vacated and Defendant's response to Plaintiff's EAJA motion is hereby due on or before March 23, 2012.

February 28, 2012.

s/ **Michael R. Merz**
United States Magistrate Judge